

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 8, 2005

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, February 8, 2005.

Mayor Warmington opened the meeting with a prayer from Pastor Sarah Johnson of the Word of Truth Outreach after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Bill Larson, Commissioner Stephen Gawron, Clara Shepherd, Lawrence Spataro, Chris Carter, and Kevin Davis, City Manager Bryon Mazade, City Attorney John Schrier, and Deputy City Clerk Linda Potter.

2005-11 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, January 25, 2005.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Resolution for Charitable Gaming License. CITY CLERK

SUMMARY OF REQUEST: Criminal Justice Services, Inc., 1267 Pine Street, is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. They have been recognized as a 501 (c) (3) organization by the State. They would like to hold Bingo games on an ongoing basis.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

C. Fireworks Display – Shrine Circus. CITY CLERK

SUMMARY OF REQUEST: Jordan Productions, Inc., is requesting approval of a fireworks display permit for March 4th and 5th at the Walker Arena. Fire Marshall Metcalf will inspect the fireworks. The insurance coverage has been approved.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

D. Amendment to City Commission Rules and Procedures. LEGISLATIVE
POLICY COMMITTEE

SUMMARY OF REQUEST: To adopt the amendment to the City Commission Rules and Procedures to include the following addition:

Under Section titled Guidelines of Conduct, Paragraph C add #4 to say "Before any Commissioner accepts an appointment to any out of state board which may involve out of state travel, he or she must first bring it before the entire Commission for consideration."

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: Recommends Approval.

E. Budgeted Vehicle Replacement - Two Dodge 1500 4x4 Quad Cabs. PUBLIC
WORKS

SUMMARY OF REQUEST: Approval to purchase two Dodge 1500 4 x 4 Quad Cabs using the State of Michigan Purchasing Contract.

FINANCIAL IMPACT: Total Cost \$42,361.56.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase.

F. Budgeted Vehicle Purchase - Two Chevrolet Colorado Trucks. PUBLIC
WORKS

SUMMARY OF REQUEST: Approval to purchase two Chevrolet Colorado Trucks using statewide purchasing.

FINANCIAL IMPACT: Total Cost \$29,752.28.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase.

G. Budgeted Vehicle Replacement - Three Ford F-250 Trucks. PUBLIC
WORKS

SUMMARY OF REQUEST: Approval to purchase three Ford F-250 trucks from Tony Betten & Sons Ford.

FINANCIAL IMPACT: Total Cost \$48,000.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the purchase of three Ford F-250 trucks from Tony Betten & Sons Ford.

H. Budgeted Vehicle Replacement - Three F-450 Cab and Chassis.

PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase three F-450 cab and chassis from Tony Betten and Sons and fabrication using Monroe equipment.

FINANCIAL IMPACT: Total Cost \$74,905.98.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the purchase of three F-450 cab and chassis from Tony Betten and Sons and fabrication using Monroe equipment.

I. Budgeted Plow Truck Purchase – Two Cab and Chassis. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase two cab and chassis from Woodland International. Underbody plows and boxes will be purchased separately.

FINANCIAL IMPACT: Total Cost \$104,062.24.

BUDGET ACTION REQUIRED: None. \$150,000 was budgeted for the total purchase.

STAFF RECOMMENDATION: Approve purchase of budgeted replacement plow trucks from Woodland International.

K. Grant Agreement with the State of Michigan. CITY CLERK

SUMMARY OF REQUEST: To enter into a Grant Agreement with the State of Michigan for voting equipment and related software and to appoint Gail Kunding, City Clerk, as the grant manager.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request.

Motion by Commissioner Gawron, second by Commissioner Shepherd to approve the Consent Agenda with the exception of item J.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

2005-12 ITEM REMOVED FROM THE CONSENT AGENDA:

J. Amendment to Special Event Policy. CITY MANAGER

SUMMARY OF REQUEST: To amend the city's Special Event Policy to provide that only the permit application fee is waived for Veterans' Groups and Neighborhood Associations. Other special events service requests will not be waived.

FINANCIAL IMPACT: Unknown potential savings to the City.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the proposed amendment.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the amendment to the Special Event Policy.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, and Larson

Nays: None

MOTION PASSES

2005-13 PUBLIC HEARINGS:

A. Create a Special Assessment District for Clay Avenue, Terrace to Spring. ENGINEERING

SUMMARY OF REQUEST: To hold a Public Hearing on the proposed special assessment for Clay Avenue, Terrace to Spring, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened at 5:41 p.m. to hear and consider any comments from the public. No public comments were made.

Motion by Commissioner Spataro, second by Commissioner Davis to close the Public Hearing at 5:43 p.m. and approve the special assessment for Clay Avenue, Terrace to Spring.

ROLL VOTE: Ayes: Spataro, Warmington, Carter, Davis, Gawron, Larson, and Shepherd

Nays: None

MOTION PASSES

Commissioner Shepherd and Vice Mayor Larson were appointed to the Board of

Assessors.

B. Create a Special Assessment District for Park Street, Laketon to Young.
ENGINEERING

SUMMARY OF REQUEST: To hold a Public Hearing on the proposed special assessment for Park Street, Laketon to Young, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened at 5:45 p.m. to hear and consider any comments from the public. Comments in opposition were heard from: Allen Lowe and Craig Lowe, co-owners of Greater Muskegon Transfer, 1922 Park.

Motion by Commissioner Spataro, second by Commissioner Gawron to close the Public Hearing at 6:02 p.m. and approve the special assessment for Park Street, Laketon to Young.

ROLL VOTE: Ayes: Warmington, Carter, Davis, Gawron, Larson, Shepherd, and Spataro

Nays: None

MOTION PASSES

Commissioner Spataro and Mayor Warmington were appointed to the Board of Assessors.

2005-14 NEW BUSINESS:

A. Brownfield Site Assessment Professional Services Agreement - Environmental Consultants. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the "Professional Services Agreement" ("Agreement") for environmental services related to the Site Assessment Grant/Loan received by the City. This same Agreement will be used between the City and each of the four firms approved by the Commission (i.e., Prein & Newhof, P.S., Westshore Engineering, ERM, Inc., Horizon Environmental).

FINANCIAL IMPACT: The payments to the environmental consultants will be made from the Site Assessment Grant/Loan through the Michigan Department of Environmental Quality.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Agreement between the City of Muskegon and the four approved environmental consultants, and authorize the Mayor and Clerk to sign the Agreements.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Brownfield Site Assessment Professional Services Agreement.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

B. Seasonal and Temporary Services Provider Contract. CIVIL SERVICE

SUMMARY OF REQUEST: Approval of provider contract for seasonal and temporary employment services. RFP solicitation resulted in three proposals, which were due February 1, 2005. Proposals were received from:

GoodTemps, 765 W. Norton, Muskegon, MI 49441

MANPOWER, 20 West Muskegon Avenue, Muskegon, MI 49440-1317

Troy Technical Services, Inc., 1000 3-Mile Rd. NW, Grand Rapids, MI 49544

A committee consisting of managers and users reviewed proposals and interviewed bidder representatives. While **GoodTemps** was the low bidder, the decision to award them the contract was not made exclusively on that factor. Overall, **GoodTemps** presented a desirable package in terms of flexibility, responsiveness, hiring and orientation process, reporting, and commitment to equal employment opportunity.

FINANCIAL IMPACT: Seasonal and temporary services are projected to cost approximately \$400,000 during 2005.

BUDGET ACTION REQUIRED: Financial resources are allocated in the 2005 budget.

COMMITTEE RECOMMENDATION: The committee recommends that **GoodTemps** be awarded the 2005-2007 seasonal and temporary services provider contract.

STAFF RECOMMENDATION: Staff recommends and requests approval of the decision to award the seasonal and temporary services contract to **GoodTemps**, contingent upon working out agreement terms acceptable to the City Attorney.

Motion by Commissioner Shepherd, second by Commissioner Spataro to approve the seasonal and temporary services provider contract with GoodTemps.

ROLL VOTE: Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, and Carter

Nays: None

MOTION PASSES

C. Consideration of Bids: Dale Ave., Ruddiman to McGraft. ENGINEERING

SUMMARY OF REQUEST: The paving as well as sanitary sewer upgrade contract (H-1596) on Dale Avenue between Ruddiman Street & McGraft Street be awarded to Dan Hoe Excavating, Inc. out of Holland, MI. Dan Hoe Excavating, Inc. was the lowest, responsible bidder with a bid price of \$96,808.45.

FINANCIAL IMPACT: The construction cost of \$96,808.45 plus related engineering expenses.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to Dan Hoe Excavating, Inc.

Motion by Commissioner Gawron, second by Vice Mayor Larson to award the contract for Dale Avenue, Ruddiman to McGraft to Dan Hoe Excavating, Inc.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, and Davis

Nays: None.

MOTION PASSES

D. Consideration of Bids: Evert Street, Allen to Amity. ENGINEERING

SUMMARY OF REQUEST: The paving contract (H-1597) on Evert Street between Allen Avenue & Amity Avenue be awarded to McCormick Sand, Inc. out of Shelby, MI. McCormick Sand, Inc. was the lowest, responsible bidder with a bid price of \$34,977.69.

FINANCIAL IMPACT: The construction cost of \$34,977.69 plus related engineering expenses.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to McCormick Sand, Inc.

Motion by Commissioner Spataro, second by Commissioner Shepherd to award the contract for Evert Street, Allen to Amity, to McCormick Sand, Inc.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

E. Consideration of Bids: Hudson, Forest to Southern. ENGINEERING

SUMMARY OF REQUEST: The utility work contract (S-588 & W-646) on Hudson between Forest & Southern be awarded to Jackson Merkey Contractors out of Muskegon. Jackson Merkey was the lowest, responsible bidder with a bid price of \$84,223.30.

FINANCIAL IMPACT: The construction cost of \$84,223.30 plus related engineering expenses.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to Jackson Merkey Contractors.

Motion by Commissioner Spataro, second by Commissioner Gawron to award the contract for Hudson between Forest & Southern to Jackson Merkey Contractors.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, and Larson

Nays: None

MOTION PASSES

F. Change Order to add the 2005 Sidewalk Replacement Program onto the 2004 Contract. ENGINEERING

SUMMARY OF REQUEST: It is requested that the 2004 Sidewalk contract with Accurate Excavators be amended to include the 2005 Sidewalk Program via a change order at an estimated cost of \$156,007.

FINANCIAL IMPACT: The construction cost of \$156,007 plus related engineering expenses which is estimated at 20%.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Amend the 2004 contract with Accurate Excavators to include the 2005 project.

Motion by Vice Mayor Larson, second by Commissioner Gawron to amend the 2004 contract with Accurate Excavators to include the 2005 project.

ROLL VOTE: Ayes: Spataro, Warmington, Carter, Davis, Gawron, Larson, and Shepherd

Nays: None

MOTION PASSES

G. LED Traffic Signals. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Strain Electric Company out of Grand Rapids, MI, to replace the incandescent signals with LED (light – emitting diode) ones for the purpose of saving energy consumptions and enhancing visibility at more than thirty (30) locations within the City. The cost of this agreement would be \$116,760 with a payback of less than 4-years while the expected life of those LEDs is estimated at 5-7 years.

Strain Electric is being recommended without a formal bid process due to their desire & willingness to extend the unit prices they did the Norton Shores project for in 2004. Norton Shores went through a formal bid process and Strain was selected based on qualifications and being the lowest responsible bidder.

FINANCIAL IMPACT: The cost of labor & materials of \$116,750.

BUDGET ACTION REQUIRED: The upcoming quarterly budget will be revised to reflect this project and eliminate the Lakeshore Drive, Lincoln to McCracken project from the Major Street list of the 2005 CIP budget since our request for grant was not approved by MDOT.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Strain Electric to upgrade traffic signals.

Motion by Commissioner Spataro, second by Commissioner Gawron to authorize staff to enter into an agreement with Strain Electric.

ROLL VOTE: Ayes: None

Nays: Warmington, Carter, Davis, Gawron, Larson, Shepherd, and Spataro

MOTION FAILS

2005-15 PUBLIC PARTICIPATION:

Various comments were heard from the public.

Eugene Stout asked where we are with the possible lay off of Fire Fighters. Discussion was held.

Motion by Commissioner Spataro, second by Commissioner Shepherd to refer the issue of inspections by the Fire Department to staff to resolve, which will include a withdrawal of outstanding grievances within 48 hours, or take the necessary steps to reinstate the former Housing Inspection positions and make the required adjustment to the 2005 budget.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission adjourned at 7:23 p.m.

Respectfully submitted,

Gail A. Kunding, MMC
City Clerk